



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **6 VAC 35-150 – Standards for Non-Residential Services Available to Juvenile and Domestic Relations Courts**

**Department of Juvenile Justice**

March 22, 2009

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### **Summary of the Proposed Amendments to Regulation**

As part of a periodic review, the Board of Juvenile Justice (Board) proposes to amend its Standards for Non-Residential Services Available to Juvenile and Domestic Relations Courts.

Specifically, the Board proposes to:

- Shorten the regulation title to Standards for Non-Residential Services,
- Update the definition section and add certain terms for clarity and consistency,
- Rearrange some regulatory sections to improve clarity,
- Clarify requirements for volunteers and interns,
- Consolidate requirements for reporting to courts and remove obsolete statutory requirements,
- Clarify when certain procedures should be required for handling non-department funds,
- Update various cross references,
- Amend background check requirements and
- Modify continuing education (CE) requirements by removing language that requires all employees to complete 40 hours of CE annually.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

## **Estimated Economic Impact**

Most of the Board's proposed regulatory changes are being made to consolidate and clarify what is required of Department of Juvenile Justice (DJJ) employees and volunteers who are subject to the Standards for Non-Residential Services. The Board proposes, for instance, to add definitions for terms that are used in the regulatory text but which may have meaning that would not be immediately clear. Regulated entities are very unlikely to incur any costs on account of these non-substantive proposed changes; regulated entities may, however benefit from having their rights and responsibilities under these regulations spelled out more clearly.

The Board is also proposing several substantive changes to the background check requirements and CE requirements in these regulations.

Currently, all new employees and other personnel (volunteers, providers of contractual services, etc.) are required to undergo 1) criminal history checks through the Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC), 2) a Department of Motor Vehicles (DMV) check and 3) a fingerprint check through the Virginia State Police and the Federal Bureau of Investigation (FBI). Employees and volunteers who will have direct contact with juveniles must also undergo a child protective services registry check.

The Board proposes to amend these requirements so that volunteers and providers of contractual services will only have to undergo background/fingerprint checks if they will be alone with juveniles while performing their volunteer work/contract services. The Board also proposes to allow new employees to start work pending the results of their background checks so long as they are supervised when they are working with juveniles until DJJ receives the results of the background checks.

The Board still proposes to require background checks for these individuals before they are alone with juveniles so juveniles under the care of DJJ will likely be as well protected under the proposed regulations they are under current regulations. Eliminating the requirement that all volunteers and contractors undergo background checks, however, will likely reduce the costs incurred by regulated entities or DJJ for these checks. DJJ will also likely benefit from being able to allow new employees to start work pending the outcome of background checks as this will allow DJJ to fill open positions more quickly.

Current regulations require all full-time employees who provide direct services to juveniles and their families to complete 40 hours of juvenile justice related CE each year. The Board proposes to amend this requirement by removing the reference to a specific number of hours required. The Board will instead allow DJJ to decide on an employee by employee basis how much CE is needed each year. This proposed change will allow DJJ to minimize costs associated with training (costs for labor to replace the training employees, course fees, etc) while still ensuring that employees get the training DJJ feels is necessary for them to perform their duties well.

### **Businesses and Entities Affected**

These proposed regulations will affect all DJJ employees, volunteers and contractors who work with juveniles in a non-residential setting.

### **Localities Particularly Affected**

No locality will be particularly affected by this proposed regulatory action.

### **Projected Impact on Employment**

This regulatory action will likely have no impact on employment in the Commonwealth.

### **Effects on the Use and Value of Private Property**

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

### **Small Businesses: Costs and Other Effects**

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

### **Small Businesses: Alternative Method that Minimizes Adverse Impact**

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

### **Real Estate Development Costs**

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

## Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.